

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CLYDE WOODS,

Plaintiff,

VS.

THE DEPARTMENT OF CRIMINAL
JUSTICE SYSTEM MANAGEMENT
OF TEXAS, *et al*,

Defendants.

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CIVIL ACTION NO. C-06-222

MEMORANDUM AND RECOMMENDATION TO DENY
MOTION FOR JUDGMENT

Plaintiff has filed a motion titled “Plaintiff’s Support Motion to His Tort Negligence, Complaint for Where Plaintiff is Unable to Determine Definitely whether the Person Responsible is A. B. C. or D; or Whether all are Responsible and Where his Evidence May Justify a Finding [sic] of Willfulness or of Recklessness, or of Negligence” (D.E. 107). In his motion he requests entry of judgment in his favor. The motion repeats the same arguments in plaintiff’s summary judgment motion and in his response to defendants’ motion for summary judgment.

It is respectfully recommended that plaintiff's motion (D.E. 107) be denied for the reasons set forth in the memorandum and recommendation entered November 15, 2007 (D.E. 105).

Respectfully submitted this 12th day of December, 2007.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **TEN (10) DAYS** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to Fed. R. Civ. P. 72(b), 28 U.S.C. § 636(b)(1)(C) and Article IV, General Order No. 80-5, United States District Court for the Southern District of Texas.

A party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within TEN (10) DAYS after being served with a copy shall bar that party, except upon grounds of *plain error*, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. Douglass v. United Services Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc).